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By ECF

The Honorable Steven M. Gold
Chief Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Johnson & Johnson v. South Pointe Wholesale Inc., et al.,
08-CV-1297 (SLT) (SMG)

Dear Judge Gold:

On behalf of plaintiffs Johnson & Johnson and LifeScan, Inc. ("J&J"), I write to respond to Joanne Romero's letter of December 11, 2009 on behalf of her clients American Healthcare, Inc., Edward Letko (collectively, the "AHI Defendants"), MSI Medical Supply, Inc., and Michael Barba (collectively, the "MSI Defendants").

Ms. Romero complains that J&J failed to adequately respond to her discovery requests and that she thus needs additional time to prepare for her clients' depositions scheduled for February 8-9 and March 25-26, 2010. J&J provided written responses to the document requests of the AHI Defendants and the MSI Defendants on Thursday, December 10, 2009, and produced all responsive documents on Thursday, December 17, 2009. J&J produced all third-party documents not subject to confidentiality agreements and instructed Ms. Romero, pursuant to the confidentiality agreements, to seek the documents designated as confidential directly from the defendants that produced those documents. Ms. Romero has the advantage of a very detailed Complaint and all of the other transcripts in this case. She has her clients and their intimate knowledge of what they did and their documents. She has months to prepare. There is no valid reason to postpone these depositions.

Likewise, Ms. Romero's contention that Mr. Letko's deposition date in February, 2010 is premature and prejudicial because he was not served until November, 2009 is meritless. Mr. Letko was served when his company was served in June 2009. He litigated for months claiming service on him was deficient. It was only in November that he abandoned his frivolous arguments. He has been involved in this case for a very long time.

Respectfully submitted,

/s/ Geoffrey Potter